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HEARING IN FRANK CASE

**MAY WAIT
SEVERAL DAYS**

Motion to Set Aside
Verdict

May Not Be Taken
Up

Saturday

The hearing of the motion to set aside the verdict in Leo M. Frank's Case, which was set for Saturday morning at 10 o'clock before Judge Ben H. Hill will probably be postponed until the middle of next week.

Solicitor General Hugh M. Dorsey indicated Friday that he cannot possibly be prepared with the State's side of the Case by Saturday morning. The Solicitor will be granted more time, but as Judge Hill is known to be anxious to complete the Case, it is likely the postponement will be only for a few days.

One of the reasons for the delay in the Case is that it is now known that an issue of fact as well as a question of law will be involved.

In the motion to set aside the verdict on the ground that Frank was not in the Court Room at the time it was rendered, Attorneys Tye, Peeples, et al., who filed the paper, set out that Frank did not know his presence was to be waived.

The State will contend, it is said, and will attempt to prove that Frank did know, and did authorize Attorneys Arnold and Rosser to waive his presence.

The Bill of Exceptions and the Brief of Evidence in the Extraordinary motion for a new trial on the ground of new evidence, will probably not be submitted to Judge Hill for his signature for several days. The Attorneys for the Defense have twenty days in which to file the papers with the Supreme Court.

This phase of the Case will probably be disposed of within sixty days by the Supreme Court.

If the motion to set aside the verdict, which involves Constitutional grounds, is decided adversely to Frank by both the Superior and the Supreme Courts of Georgia an Appeal will be taken to the Supreme Court of the United States. The Case cannot reach the Supreme Court of the United States until the October term, Attorneys say, and this means it may not be finally decided until next year.
